

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA DEMOCRATIC
PARTY; et al.,

Plaintiffs,

v.

PHILLIP E. BERGER, in his official
capacity as PRESIDENT PRO TEMPORE
OF THE NORTH CAROLINA SENATE;
et al.,

Defendants.

CIVIL ACTION NO. 1:17-cv-1113

FIRST JOINT STIPULATION

Plaintiffs and Defendants jointly stipulate and agree:

1. That Plaintiffs have indicated their intent to notice the depositions of Defendants Berger and Moore and to issue deposition subpoenas to Senator Ralph Hise, Co-Chair of the Joint Legislative Elections Oversight Committee and Co-Chair of the Judicial Reform and Redistricting Committee, Rep. David Lewis, Co-Chair of the Joint Legislative Elections Oversight Committee, and Rep. Justin Burr, Co-Chair of the Judicial Reform and Redistricting Committee.

2. That at their depositions each of these legislators would assert legislative privilege as a bar to answering questions, however phrased, about the origin, drafting, revision, history, enactment, purpose and justification for 2017 SL 214, including specifically Section 4, cancelling primaries for judicial elections for 2018.

3. That should Plaintiffs subpoena other Republican members of the legislature to testify in this matter they, too, would assert legislative privilege as a bar to answering questions, however phrased, about the origin, drafting, revision, history, enactment, purpose and justification for 2017 SL 214, including specifically Section 4, cancelling primaries for judicial elections for 2018.

4. The history of Senate Bill 656/2017 SL 214, including available bill summaries, is located at <https://www.ncleg.net/gascripts/billlookup/billlookup.pl?Session=2017&BillID=S656>.

5. All publicly-available materials for 2017-2018 for the Joint Legislative Elections Oversight Committee are available at <https://www.ncga.state.nc.us/gascripts/DocumentSites/browseDocSite.asp?nID=155&sFolderName=\2017-2018\12-15-2017>.

6. All publicly-available materials for the Senate Select Committee on Judicial Reform and Redistricting from November 8, 2017, through January 3, 2018, are available at <https://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=372>.

7. All publicly-available materials for the House Select Committee on Judicial Reform and Redistricting are available at https://www.ncleg.net/gascripts/Committees/committees.asp?sAction=ViewCommittee&sActionDetails=House+Select_184.

8. All publicly-available materials for the Joint Select Committee on Judicial Reform and Redistricting are available at https://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing_6719.

9. All publicly-available materials for the House Standing Committee on Elections and Ethics Law are available at https://www.ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=House%20Standing_21.

10. All publicly-available Resolutions for 2017-2018 are available at <https://www.ncleg.net/gascripts/EnactedLegislation/ELTOC.pl?sType=Res&sSessionToView=2017&sSort=sSortKey>.

11. That the documents available on the websites referenced in paragraphs 4-10 above are authentic and genuine and may be received into evidence pursuant to the Federal Rules of Evidence without further identification or proof, subject to the opportunity of any party to contest the relevance of a specific document.

Respectfully submitted, this the 3rd day of April, 2018.

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K. Moore, in his official capacity as
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 3rd day of April, 2018.

/s/ Edwin M. Speas, Jr.

Edwin M. Speas, Jr.